

08-31-01

CERTIFICATE OF EXPRESS MAIL

NUMBER **EL521288762US**

DATE OF DEPOSIT **August 30, 2001**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, D.C. 20231.


Signature

10/30/01
JC845 U.S. PTO

A
1C970 U.S. PTO
09/942891
08/30/01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No: **11899.0155.DVUS02**
(MOBT:155-3/KAM)

Prior Examiner: Nelson, A.

BOX PATENT APPLICATION

Commissioner of Patents
Washington, D.C. 20231

Prior Group Art Unit: 1638

**REQUEST FOR FILING DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/313,213 filed May 17, 1999, entitled "METHODS OF OPTIMIZING THE SUBSTRATE POOLS AND BIOSYNTHESIS OF POLY- β -HYDROXYBUTYRATE-CO-POLY- β -HYDROXYVALERATE IN BACTERIA AND PLANTS."

1. Enclosed is a copy of the prior application Serial No. 09/313,213 as originally filed, including specification, claims, abstract, drawings, and declarations. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced

3. **The Commissioner is authorized to deduct fees in the amount of \$950.00 from Howrey Simon Arnold & White Deposit Account No. 01-2508/11899.0155.DVUS02/KAM to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.**

CLAIMS AS FILED IN THE PRIOR APPLICATION
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$710.00
Total Claims	6 - 23 =	0 X	\$18.00	\$0.00
Independent Claims	6 - 3 =	3 X	\$80.00	\$240.00
Multiple Dependent Claim(s) -----				\$0.00
TOTAL FILING FEES:				\$950.00

4. Applicant is entitled to Small Entity Status for this application.
 (a) A small entity statement is enclosed.
 (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
 (c) Small entity status is no longer claimed.

5. **The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Howrey Simon Arnold & White, LLP Deposit Account No. 01-2508/11899.0155.DVUS02/KAM.**

(b) Copies of IDS citations.

14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. 09/313,213 filed May 17, 1999, for use in this application. **Under 37 C.F.R. § 1.821(e),** Applicant states **that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. 09/313,213 filed May 17, 1999.** **Under 37 C.F.R. § 1.821(f),** Applicant also states **that the information recorded in computer readable form is identical to the written sequence listing.**

15. Other: _____.

16. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



Patricia A. Kammerer
Reg. No. 29,775
Attorney for Assignee
Monsanto Technology, LLC.

HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057-2198
(713) 787-1400

Date: August 30, 2001

PROSPECTUS
DISCLOSURE

new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) The inventorship is the same as prior Application Serial No. 09/313,213. The corrected inventorship is now properly Kenneth J. Gruys, Timothy A. Mitsky, Ganesh M. Kishore, Steven C. Slater, Stephen R. Padgett, and David M. Stark.

(b) Deletion of inventor(s). Maud A.W. Hinchee, Thomas E. Clemente, Dianne V. Connor-Ward, Mary J. Fedele, Joyce E. Fry, Arlene R. Howe, and Renee J. Rozman are no longer inventors of the claimed subject matter of this pending application. See 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c) Priority of foreign patent application number , filed in is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:

is enclosed.

has been filed in the prior Application Serial No.

2. The Assistant Commissioner is requested to grant Applicants a filing date in accordance with Rule 1.53, and supply Applicants with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).

6. Enclosed is a copy of the current Power of Attorney in the prior application.

7. Address all future communications to:

Patricia A. Kammerer, Esq.
HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057-2198
(713) 787-1400

8. The prior application is presently assigned to Monsanto Technology, LLC.

9. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included **in the authorization to deduct fees from the deposit account** above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.

10. Cancel in this application claims 2-40 of the prior application before calculating the filing fee. (At least one original independent claim must be retained).

11. Amend the specification by adding on page 2, line 5 the following paragraph: --

This application is a divisional of co-pending application Serial No. 09/313,123 filed May 17, 2001, which is a divisional of Serial No. 08/673,388, filed June 28, 1996, now issued (US patent 5,958,745 September 28, 1999), which is a continuation-in-part of Serial No. 08/628,039, filed April 4, 1996, now issued (US patent 5,942,660 August 24, 1999), which is a continuation-in-part of Serial No. 08/614,877, filed March 13, 1996, now issued (US patent 5,959,179 September 28, 1999).--

12. Enclosed are formal drawings.

13. An Information Disclosure Statement (IDS) is enclosed.

(a) PTO-1449.

FILE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

KENNETH J. GRUYS, *et al.*

Serial No.: 08/673,388

Filed: June 28, 1996

For: METHODS OF OPTIMIZING SUBSTRATE
POOLS AND BIOSYNTHESIS OF POLY- β -
HYDROXYBUTYRATE-CO-POLY- β -
HYDROXYVALERATE IN BACTERIA
AND PLANTS

§ § Group Art Unit: 1816

§ § Examiner: Unknown

§ § Atty. Dkt: 38-21(13618)A
(MOBT:155---)

CORRESPONDENCE ADDRESS
ELECTION UNDER 37 C.F.R. §§ 3.71 and 3.73
AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please direct all communications as follows:

Brenda Benavides, Paralegal
ARNOLD, WHITE & DURKEE
P. O. Box 4433
Houston, Texas 77210-4433
(713) 787-1400

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor(s).

The Assignee hereby revokes any previous Powers of Attorney and appoints:

George R. Beck, Reg. No. 21,180; Gary M. Bond, Reg. No. 29,283; Michael John Murphy, Reg. No. 24,195; Richard H. Shear, Reg. No. 26,583; Mark F. Wachter, Reg. No. 27,243; Jon H. Beusen, Reg. No. 30,610; Dennis R. Hoerner, Jr., Reg. No.

30,914; Lawrence M. Lavin, Reg. No. 30,768; Kenneth D. Goetz, Reg. No. 32,696; John P. Foryt, Reg. No. 32,866; Grace L. Bonner, Reg. No. 32,963; and Thomas P. McBride, Reg. No. 32,706, each an attorney with MONSANTO COMPANY, as its attorney so long as they remain with such company,

and

John F. Lynch, Reg. No. 22,504; J. Paul Williamson, Reg. No. 29,600; John D. Norris, Reg. No. 28,246; Patricia A. Kammerer, Reg. No. 29,775; Stephen H. Cagle, Reg. No. 26,445; Kenneth D. Goodman, Reg. No. 30,460; Melinda L. Patterson, Reg. No. 33,062; Susan K. Knoll, Reg. No. 33,254; Steven Z. Szczepanski, Reg. No. 27,957; Barbara S. Kitchell, Reg. No. 33,928; Mary Jo Boldingh, Reg. No. 34,713; L. Gene Spears, Reg. No. 35,369; Janelle D. Waack, Reg. No. 36,300; Russell L. Sandidge, Reg. No. 36,911; Michael E. Lee, Reg. No. 38,949; Gregory L. Porter, Reg. No. 40,131, each an attorney; and Carter J. White, Reg. No. 41,374, a patent agent, with the law firm of ARNOLD, WHITE & DURKEE, as its attorney so long as they remain with such law firm,

with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to MONSANTO COMPANY referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Pursuant to MPEP § 324(2), the undersigned avers that he is empowered to sign this statement on behalf of assignee.

ASSIGNEE: MONSANTO COMPANY

Date: September 11, 1997

By:

Jon H Beusen

Name: Jon H. Beusen

Registration No. 30,610

Title: Intellectual Property Law Counsel

ASSIGNMENT:

Enclosed for recording
 Previously recorded
Date: 12/02/96
Reel: 8250
Frame: 0138

Jon H. Beusen
Intellectual Property Counsel
Authorized to sign this document for
Monsanto Company by resolution dated
April 1, 1997, Board of Directors

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kenneth J. GRUYS
Timothy A. Mitsky
Ganesh M. Kishore
Steven C. Slater
Stephen R. Padgette
David M. Stark

Serial No.:

Filed: August 30, 2001

For: METHOD OF OPTIMIZING SUBSTRATE POOLS AND BIOSYNTHESIS OF POLY- β -HYDROXYBUTYRATE-CO-POLY- β -HYDROXYVALERATE IN BACTERIA AND PLANTS

Group Art Unit:

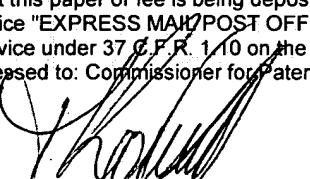
Examiner: To be Assigned

Atty. Dkt. No.: 11899.0155.DVUS02
(MOBT:155-3/KAM)

TRANSMITTAL OF FORMAL DRAWINGS

Commissioner for Patents
Washington, D.C. 20231

Sir:

CERTIFICATE OF EXPRESS MAILING	
NUMBER EL521288762US	
DATE OF DEPOSIT: August 30, 2001	
I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL/POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, DC 20231.	
 Signature	

Applicants hereby submit for filing the formal drawings (Figures 1-23) in the above-referenced application.

No fees are believed to be due in connection with the filing of these drawings, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Assistant Commissioner is hereby authorized to deduct said fees from Arnold White & Durkee Deposit Account No. 01-2508/11899.0155.DVUS02/KAM.

Applicant respectfully requests that the listed documents be made of record in the present case.

Respectfully submitted,



Patricia A. Kammerer

Reg. No. 29,775

ATTORNEY FOR ASSIGNEE,

Howrey Simon Arnold & White, LLP
750 Bering Drive
HOUSTON, TX 77057-2198

Date: August 30, 2001

2001 RELEASE UNDER E.O. 14176